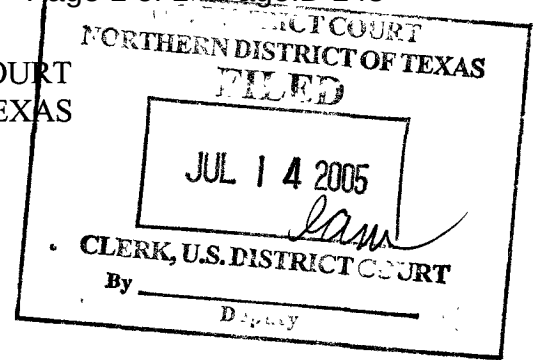


*Cty M a cmm BD + 5th circuit*  
**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS PEREZ,

Defendant.

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No. 3:97-CR-0342-T(01)

No. 3:05-CV-0896-M

**ORDER ACCEPTING IN PART FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After making a review of the pleadings, files and records in this case, and the Findings and Recommendation of the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1), I am of the opinion that the Findings of the Magistrate Judge are correct and they are accepted as the Findings of the Court; however, the Court will not dismiss the case as recommended. Instead, the Court transfers this case to the Fifth Circuit to determine if this successive motion for post conviction relief should be permitted.

**IT IS, THEREFORE, ORDERED** that the Findings and Recommendation of the United States Magistrate Judge are accepted in part.

**SO ORDERED** this 14 day of July, 2005.

  
BARBARA M. G. LYNN  
UNITED STATES DISTRICT JUDGE